

# **2024 PROPOSED ZONING AMENDMENTS**

## **FINAL PUBLIC HEARING – JANUARY 25, 2024 @ 7 PM**

1. Are you in favor of the adoption of Amendment No. 1 to the Weare Zoning Ordinance as proposed by the Weare Planning Board as follows: Amend Article 28.8 regarding required setbacks from wetlands and Article 28.9 regarding required buffers around wetlands to provide that any lot created after March 2024 will be required to provide a setback which is determined based upon the functions and values of the wetlands involved and that a buffer of natural vegetation equivalent to one half of the distance of the setback be maintained?

(Revised 01-12-2024 – after 1<sup>st</sup> public hearing held on 1-11-24)

### **ARTICLE 28**

#### **28.1 WETLAND OVERLAY DISTRICT**

(Articles 28.2 thru 28.7 remain the same)

**28.8 SETBACKS:** Lots created prior to March 11, 2003 do not have a wetland setback.

Lots created between March 11, 2003 and March 2024 shall have a minimum of 50 feet setback from jurisdictional wetland boundary.

Lots created after March 2024 will have a variable setback based on functions and values as defined below.

The wetland or surface water buffer and setback shall be determined by the Planning Board after submission of a **Wetland Functions and Values** report from a Certified Wetland Scientist, retained by the applicant, to the Planning Board, and after allowing the Conservation Commission a minimum of 30 days to review the report and make comment to the Planning Board. The report shall include identification and delineation of all wetlands and surface waters, and an assessment of the functions, values and condition of all existing wetland and surface water resources, **utilizing either the USACE Highway Methodology Workbook (1993) and U.S. Army Corps of Engineers Highway Methodology Workbook Supplement (1999), or an alternative method that is scientifically supported (with a cited reference) and the reasons for the alternative method substantiated.** The report shall include site plans showing the wetlands, assessment units (areas of wetlands assessed), Cowardin classifications of wetlands, and **wetland and buffer impacts, along with assessment worksheet(s), photos of the wetland(s), including** and the identification of wetlands that function as vernal pools, ~~and specify the following:~~

The relief will be based on a sliding scale commensurate with the following factors and setback limitations, **which are to be addressed in the report:**

- 1) Due to the size, location ~~in the topography~~ **on the landscape** and shallow nature the wetland does not provide significant flood flow attenuation, stormwater retention, toxicant or pathogen retention/treatment or significant ground water recharge/discharge will not be unreasonably compromised as a result of the proposed project;
- 2) Due to the duration for standing water being short, the wetland does not have **wetland dependent** wildlife, fish or shellfish habitat potential;
- 3) Due to lack of fruit/seed/nut bearing plants **or significant pathways for export of primary production**, the wetland does not have any production export for wildlife use;

- 4) Are the wetlands a Priority Resource Area (PRA) as identification on the NHDES Wetland Permit Planning Tool (WPPT) and defined by the NHDES Wetland Rules Env-Wt 100-900;
- 5) Are the wetlands identified on the NH Wildlife Action Plan (WAP) as either Highest Ranked Habitat in NH or Highest Ranked Habitat in Biological Region; **and**
- 6) Are the wetlands habitat for a state-listed species as determined by the Natural Heritage Bureau:

**The Planning Board shall make a finding on the appropriate setback for the circumstances based on the following standards:**

- 1) If functionality, values and conditions of the wetland or surface water resource are such that it has little or no functions and values **in terms of standards** of 1 through 6 above, there shall not be a setback.
- 2) If functionality, values and conditions of wetland or surface water resources are such **that** it exhibits some functions and values **in terms of standards** of 1 through 6 above, the setback shall be 25 feet.
- 3) If functionality, values and conditions the wetland and surface water resource has greater than 50% full functionality and values **in terms of standards** of 1 through 6 above, the setback shall be 50 feet.
- 4) If functionality, values and conditions of the wetland and surface water resource has full functions and values **in terms of standards** 1 through 6 above, the setback shall be 75 feet.

~~The Planning Board shall make a finding on the appropriate setback.~~

**28.9 BUFFERS:** The wetland buffer would be ½ of the wetland setback.

**28.9.1** A buffer of native vegetation with no ground disturbance allowed, except for planting **of native plant species** shall be maintained. In forested areas no more than 50 percent of the basal area shall be removed in any 10-year period.

**28.9.2 Exceptions:** Buffers are not required for any proposed Class V road construction, reconstruction or maintenance. This section does not apply to forestry or agricultural activity.

**28.10 Exemption:** If a report is not provided to the planning board, the setback shall be 75 feet and the buffer shall be 37.5 feet.

2. Are you in favor of the adoption of Amendment No. 2 to the Weare Zoning Ordinance as proposed by the Weare Planning Board as follows: Amend Article 4.1, Definitions, to add a definition of “Private Road” as an access to three or more lots shown on a survey plan dated prior to March 1988 or a plan approved by the planning board, and to allow the planning board to approve private roads by conditional use permit?

**(Revised 01-12-2024 – after 1<sup>st</sup> public hearing held on 1-11-24)**

**PRIVATE ROAD:** Any way that provides access to three or more lots and which is not a Class I through VI highway. The private road must be shown on a survey plan dated prior to March 1988 or be shown on a plan approved by the Planning Board. The Planning Board may only approve private roads with a conditional use permit application.

3. Are you in favor of the adoption of Amendment No. 3 to the Weare Zoning Ordinance as proposed by the Weare Planning Board as follows: Amend Article 17.1.1 to allow building permits to be issued on Private Roads?

(Revised 01-12-2024 – after 1<sup>st</sup> public hearing held on 1-11-24)

17.1.1 No Building permits for new homes shall be issued on any Class VI ~~or Private Road~~.  
**Building permits may be issued for construction on a private road which are built to town standards and which are shown on a plan approved by the planning board.**

4. Are you in favor of the adoption of Amendment No. 4 to the Weare Zoning Ordinance as proposed by the Weare Planning Board as follows: Amend Article 19 regarding Special Exceptions to correct an incorrect internal reference and add sections 19.1.11, 19.1.11.1, 19.1.11.2 and 19.1.11.3 to allow campers/travel trailers/RVs not located in an approved campground to be used for more than 15 days in any 30 day period by special exception, except in the Commercial and Village Districts; allow construction/office trailers to be used for more than 121 days and/or to have running water and/or sleeping provisions by special exception, except in the Village District; to provide that time periods run beginning on the first day of the use; and to exempt manufactured homes used for temporary occupation during the repair or replacement of a damaged dwelling for a period of not more than 12 months from the special exception requirements?

(Revised 01-12-2024 – after 1<sup>st</sup> public hearing held on 1-11-24)

Proposed Ordinance update.

**19.1 SPECIAL EXCEPTIONS:** The following uses will be permitted by special exception in the Residential, Rural/ Agricultural, and Village Zoning Districts according to standards set forth in Article 6.1-4 3, Special Exceptions, except where indicated.

Add proposed section to Article 19.1 Special Exceptions:

**19.1.11 Campers, travel trailers and recreational vehicles, not located in an approved campground, not for rent and being used for less than 15 days in any 30-day period are allowed, any other use will require a special exception. Not allowed in Commercial and Village Districts.**

**19.1.11.1 Construction/Office trailers with no running water or sleeping provisions used for less than 121 days in any 365-day period are allowed, time extensions and any other use will require a special exception. Not allowed in Village Districts.**

**19.1.11.2 For purposes of this ordinance the time periods commence on the 1<sup>st</sup> day of the use.**

**19.1.11.3 Emergency or manufactured housing for temporary occupation during the repair or replacement of a damaged dwelling for a period not to exceed 12 months shall be exempt from the requirements of this Article.**

5. Amendment No. 5: We the undersigned residents petition to amend the Town of Weare Zoning Map by modifying the zoning of Tax Map 107 Lot 025, said parcel being located at 117 Abijah Bridge Road, to change from Residential (R) to Rural/Agricultural (RA). **(By Petition)**